

**GOVERNMENT OF TELANGANA
ABSTRACT**

Public Servants – RWS&S Dept. – Allegations of irregularities in finalization of tenders for 27 works proposed under NRDWP to provide augmentation to Single Village Schemes (SVS) at various villages in RWS&S Sub-Division, Kamareddy, Nizamabad District - Sri P. Mohan Reddy, Dy. Executive Engineer, RW&S, Kamareddy - Disciplinary proceedings under Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 – Article of charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.RT.No. 53

Dated:28 .01.2015

ORDER:

It is proposed to hold an enquiry against Sri P. Mohan Reddy, Deputy Executive Engineer, RW&S, Kamareddy, in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I). A list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed (Annexure-II).

3. Sri P. Mohan Reddy, Dy. Executive Engineer, RW&S, Kamareddy, is directed to submit within ten (10) days of the receipt of this order, a written statement of his defence.

4. Sri P. Mohan Reddy, Dy. Executive Engineer, RW&S, Kamareddy, is informed that an enquiry will be held only in respect of article of those charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri P. Mohan Reddy, Dy. Executive Engineer, RW&S, Kamareddy, is further informed that if he does not submit his written statement of defence on or before the Period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

6. Sri P. Mohan Reddy, Dy. Executive Engineer, RW&S, Kamareddy, is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri P. Mohan Reddy, Dy. Executive Engineer, RW&S, Kamareddy, is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

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7. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

J. RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri P. Mohan Reddy, Deputy Executive Engineer, RW&S, Kamareddy, Nizamabad
District through the Engineer-in-Chief, RWS&S, Hyderabad.
The Engineer-in-Chief, RWS&S, Hyderabad.
(in duplicate with a request to serve and return the dated acknowledgement copy)
Copy to:
The General Administration (V&E) Department.
(w.r.t. Vigilance Report No.90 (467/V&E/E2/2013), DT. 21.05.2014)
The PR&RD (Estt.II) Dept.
SF/SC

//FORWARDED: BY ORDER//

SECTION OFFICER

ANNEXURE - I

(Annexure to G.O.RT.No. 53, PR&RD (Vig.I) Dept., dt.28.01.2015)

STATEMENT OF ARTICLE OF CHARGES AGAINST SRI P. MOHAN REDDY, DY. EXECUTIVE ENGINEER, RW&S, KAMAREDDY.

CHARGE:

That Sri P. Mohan Reddy, Dy. Executive Engineer, RW&S, Kamareddy, Nizamabad has committed the following irregularities:-

- a. Though he is not competent, processed the tenders for 27 works of his sub-division based on the instructions of the Executive Engineer.
- b. Rejected the applications of Sri K. Prabhakar and 3 others intentionally avoiding them to participate in tender processing in the works pertaining to Kamareddy sub-division.
- c. Colluded with the contractors in cartel formation for processing tenders pertaining to sub-division.

BASIS:

As per the Vigilance Report No.90 (467/V&E/E2/2013) of G.A. (V&E) Dept., dt.21.05.2014, the following findings were found in the allegations of irregularities in finalization of tenders for 27 works proposed under NRDWP to provide Augmentation to Single Village Schemes (SVS) at various villages in RWS&S Sub-division, Kamareddy, Nizamabad District.

Based on the instructions of the Executive Engineer, Sri P. Mohan Reddy, RWS&S Sub-Division, Kamareddy has called for the tenders for 27 works in his sub division. Tenders for the work No.6 "Augmentation to SVS at Kancharla SC Colony of Biknoor Mandal" costing Rs.10 lakhs were not called for through e-procurement violating the instructions of the G.O.Ms.No.391, dt.28.11.2003 of PR&RD (Progs.II) Dept, which stipulates that e-procurement is to be adopted for the works costing Rs.10.00 lakhs and above. Also among 27 works, it is the only work entrusted with less tender percentage (-33.5%) lowest among the three qualified bidders. In all the remaining works, excess tender percentage is observed with two qualified bidders each, duly one with Tender Percentage less than (+ 5%) and the other with Tender Percentage (+5%) or more.

As per G.O.Ms.No.133, dt.20.11.2004 in which Para No. 13 of G.O.Ms.No.94 is amended as "For all the works the ceiling of Tender Premium shall be 5%." Hence, it can be construed that the bidders have knowingly and intentionally quoted the Tender Premium as more than +5% to avoid the entrustment of work for them willfully.

While bidding, the contractors failed to sign in the documents in certain works, not quoted tender percentage and EMD not produced for the works not interested for them whereas all the above details are furnished in some other works which are interested for them.

While finalizing the process of tenders, the Deputy Executive Engineer, has not followed the norms as;

- i) Wide publicity is given only in one Telugu Daily news paper instead of two leading news papers violating Para 4(a) of Annexure to the G.O.Ms.No. 94, dt.01.07.2003 which stipulates that:

"For the works upto Rs.50 lakhs the tender notice shall be published in district-editions of two Telugu Dailies with the largest circulation"

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- ii. When the applications are rejected for non submission of the required documents, the applications are to be recorded in the Office files. But the Deputy Executive Engineer reported that the applications of for candidates have been returned for non submission of the required documents on the same day without taking any authenticated signature from applicants, in contradiction to the statement of Sri K. Prabhakar, Contractor who submitted that the application was returned to him on 14.03.2013, after the last date of receiving tender applications on 13.3.2013 by the Deputy Executive Engineer, which indicates that the Deputy Executive Engineer had intentionally avoided him in participation of the above tenders;
- iii. Also Sri K. Prabhakar, Civil Contractor, Nizamabad was rejected though he submitted all the required certificates along with the application indicates that Sri P. Mohan Reddy, Dy. Executive Engineer, RWS&S, Kamareddy intentionally avoided the participation of Sri K. Prabhakar in tender process.

Further, on detailed verification of documents of Sri K. Prabhakar, Contractor, VAT certificate (issued by Commercial Tax Office, Kamareddy) and IT returns (year 2012-13) found to be in order. Hence, the version of Deputy Executive Engineer, RWS&S, Kamareddy that the applications are rejected due to non submission of the VAT certificate is contradictory to the statement of Sri Prabhakar, Contractor, who submitted that "his application was rejected though all the required certificates are submitted by him".

Therefore, the whole matter is summarized as follows:-

- i. That, Sri P. Mohan Reddy, Deputy Executive Engineer, RWS&S, Kamareddy, though not competent called for tenders for the works taken up in his sub division;
- ii. He failed to keep the rejected applications and unable to show them in his office;
- iii. Verification by the V&E Dept revealed that the VAT and IT clearance certificates submitted by the four applicants whose applications are rejected are in order.
- iv. In spite of adverse news were published in local news papers on the very next day after tenders i.e., on 17.03.2013, he continued processing of tenders without analyzing tenders for the probable cartel formation by the contractors and without cancelling the tenders.

Hence, the allegation that "Sri Mohan Reddy Dy.EE" made settlements for the above works with 2.90% excess in 26 works and 33.5% less for one work against the rules though RWS&S works at circle level were being awarded at (-)25% to (-)35% less in the SE level on line tenders" is substantiated.

From this, it is evident that he has shown Gross Negligence towards his Legitimate Duties and violating Rule (3) of A.P. Civil Services (Conduct) Rules, 1964.

Hence, the charge.

J. RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE – II

(Annexure to G.O.RT.No. 53, PR&RD (Vig.I) Dept., dt.28.01.2015)

**LIST OF THE DOCUMENTS BY WHICH THE ARTICLE OF CHARGES ARE
PROPOSED TO BE SUSTAINED AGAINST SRI P. MOHAN REDDY, DY.
EXECUTIVE ENGINEER, KAMAREDDY.**

Vigilance, Report No.90 (467/V&E/E2/2013) of G.A. (V&E) Dept.,
dt.21.05.2014.

J. RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE – III

(Annexure to G.O.RT.No. 53, PR&RD (Vig.I) Dept., dt.28.01.2015)

**LIST OF THE WITNESSES BY WHOM THE ARTICLE OF CHARGES ARE
PROPOSED TO BE SUSTAINED AGAINST SRI P. MOHAN REDDY, DY.
EXECUTIVE ENGINEER, RWS&S, KAMAREDDY.**

-Nil-

J. RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER